

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Establish a Residential Wood Stove Replacement Fund**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 38 MRS §610-D** is enacted to read:

### **§ 610-D. Residential Wood Stove Replacement Fund**

**1. Fund established.** The Residential Wood Stove Replacement Fund, referred to in this section as "the fund," is established as a nonlapsing fund administered by the department for the purpose of providing financial incentives for the replacement of wood stoves with cleaner alternatives.

**2. Sources of money.** The fund consists of any money received from the following sources:

A. Contributions from any source, both public and private; and

B. Civil penalties for violations of air quality laws or rules administered by the department if the penalties are imposed pursuant to an administrative consent agreement or court-ordered consent decree and the person against whom the penalty is imposed expressly assents in the agreement or decree that the penalty may be paid into the fund. This paragraph is repealed January 1, 2012.

Money deposited in the fund must be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by law. Interest on that investment must be credited to the fund.

**3. Disbursements from the fund.** The department shall apply the money in the fund toward the award of financial incentives to residents of the State to replace residential wood stoves manufactured prior to 1988 and used as a primary source of heat in an owner's primary residence with residential heating appliances with lower emissions of pollution, such as wood stoves, pellet stoves or vented gas stoves, that have been certified by the United States Environmental Protection Agency. Costs incurred by the department to administer the residential wood stove replacement program under subsection 4 may be paid by the fund.

**4. Residential wood stove replacement program.** The department shall establish through rulemaking a residential wood stove replacement program. The program must include, but is not limited to:

A. Public outreach and education;

B. Establishment of eligibility criteria for participating in the program, benefits available under the program and the process for establishing eligibility for benefits; and

C. Approved methods for removal and disposal of the replaced residential wood stoves.

**5. Rulemaking.** Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2A.

**Sec. 2. Report.** The Department of Environmental Protection shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the status and account activity of the residential wood stove replacement program, as established by the Maine Revised Statutes, Title 38, section 610D, by January 1, 2012.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

**Air Quality 0250**

Initiative: Provides an allocation to establish the Residential Wood Stove Replacement Fund.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$0	\$2,000,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<hr/> \$0	<hr/> \$2,000,000

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$0	\$250,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<hr/> \$0	<hr/> \$250,000

Effective July 12, 2010